

## REMARKS

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of December 27, 2007 (hereinafter "Office Action"). Applicants especially appreciate the decision to withdraw the previous rejection in response to Applicants' Pre-Appeal Brief Request For Review. Similar to the previous Office Actions in the present case, the present Office Action continues to reject the independent claims under 35 U.S.C. §103, but cites a new secondary reference. In response, Applicants have amended independent Claims 1, 12, and 23 to clarify that the wireless communication network facilitates bi-directional communication between the at least one mobile terminal and another mobile terminal, which is not disclosed or suggested by the cited references. In addition, the independent Claims 1, 12, and 23 have been amended to clarify that the streaming media comprises audio and/or video content. Dependent Claims 6, 17, and 28 have been amended and dependent Claims 7, 18, and 29 have been canceled without prejudice or disclaimer in light of the amendments to the independent claims. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

### **Independent Claims 1, 12, and 23 are Patentable**

Independent Claims 1, 12, and 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over United States Patent Publication No. 2004/0057420 to Curcio *et al.* (hereinafter "Curcio") in view of United States Patent No. 6,741,834 to Godwin (hereinafter "Godwin"). (Office Action, page 3). Independent Claim 1 recites, in part:

providing a wireless communication network that has bandwidth associated therewith to facilitate bi-directional communication between at least one mobile terminal and another mobile terminal;

**obtaining authorization from a media broadcaster that provides streaming media to rebroadcast the streaming media over the wireless network, the streaming media comprising audio and/or video content;**

**obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media; then**

transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network.

Independent Claims 12 and 23 include similar recitations. As highlighted above, authorization is obtained from a media broadcaster to rebroadcast streaming media over a wireless network. A subscription is obtained at the wireless network from one or more mobile terminals for the streaming media. Moreover, the wireless network is described as facilitating bi-directional communication between at least one mobile terminal and another mobile terminal and the streaming media comprises audio and/or video content.

The Office Action alleges that Curcio teaches most of the recitations of Claim 1, but acknowledges that Curcio fails to disclose obtaining authorization from a media broadcaster to allow the streaming media to be rebroadcast over the wireless network and obtaining a subscription at the wireless network from the at least one mobile terminal that receives the rebroadcast of the streaming media. (Office Action, page 3). The Office Action alleges, however, that Godwin provides the teachings missing from Curcio. (Office Action, page 3).

Applicants acknowledge that Godwin teaches the rebroadcast of Electronic Program Guide (EPG) data associated with AM/FM radio channels on a satellite broadcasting system. (Godwin, col. 5, line 54 – col. 6, line 6). In sharp contrast to the recitations of independent Claims 1, 12, and 23, however, the satellite broadcasting system disclosed in Godwin does not facilitate bi-directional communication between mobile terminals, but instead is a broadcast system that transmits signals that subscriber receivers may receive. Moreover, the EPG data is not audio and/or video content and does not correspond to the streaming media recited in the independent claims.

Accordingly, Applicants respectfully submit that Godwin fails to disclose or suggest, at least the recitations of independent Claims 1, 12, and 23 related to obtaining authorization from a media broadcaster to allow the streaming media, which comprises audio and/or video content, to be rebroadcast over a wireless network that facilitates bi-directional communication between mobile terminals and obtaining a subscription at the wireless network from the at least one mobile terminal that receives the rebroadcast of the streaming media, which are acknowledged in the Office Action as missing from Curcio.

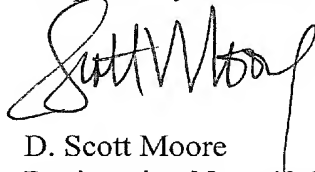
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Filed: December 10, 2003  
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For at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 12, and 23 are patentable over Curcio in view of Godwin, and that dependent Claims 2 - 10, 13 - 21, and 24 - 32 are patentable at least by virtue of their depending from an allowable claim.

### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

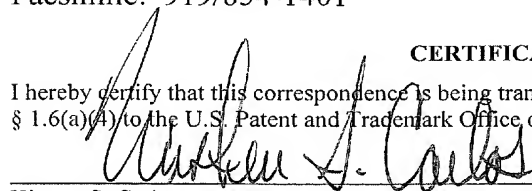


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### CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on June 27, 2008.



Kirsten S. Carlos